

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room
Thursday, January 24, 2013**

Attending:

Council Member Ted Ohmart	City Engineer Duane Wittstock
Council Member Jim Sandager	Principal Engineer Brian Hemesath
City Manager Greg Sparks	City Attorney Dick Scieszinski
Deputy City Manager/City Clerk Jody Smith	Deputy Public Works Director Joe Cory
Development Planning and Inspection Manager	Planner Linda Schemmel
Christopher Shires	Planner Lynee Twedt
Chief Building Official Rod Van Genderen	Housing Planner Christine Gordon
Guests: Bill Ludwig, Ludwig & Associates – Item #1	Ted Torstenson, TPI Plumbing – Item #1
Scott Campney, Campney & Associates – Item #1	Toby Torstenson, Priority Excavating – Item #1
Sam Erickson, CHI, Inc. – Item #2	

The meeting of the Development and Planning City Council Subcommittee was called to order at 7:30 a.m.

1. Woods at Sugar Creek

Development Planning and Inspection Manager Shires stated that Mr. Ludwig requested to attend the meeting to discuss a Preliminary Plat approval for the Woods at Sugar Creek Estates project. Information on the Preliminary Plat and development criteria with accompanying planning documents was distributed to the committee along with a letter from Mr. Ludwig to Mr. Shires listing additional items to be considered by the Subcommittee.

The main items discussed were the sanitary sewer extension through Sugar Creek that would serve the Theis and Neff properties, extension of the water trunk along Mills Civic Parkway (right-of-way would have to be secured, and the possible establishment of a storm water fee district. Also, parkland dedication requirements would have to be addressed as part of plat approval process.

Mr. Ludwig displayed the 27.96 acre property designated for Single Family Residential and stated that the project has been on-and-off for over ten years. With the increased demand of high-end homes, Mr. Ludwig stated that the developer would like to begin infrastructure installation in March with construction of homes beginning in August of this year. He continued that the preference would be to construct the sewer sooner rather than later. Mr. Wittstock pointed out that it was the City's obligation to install the fee district sanitary sewer that crosses this property into Dr. Neff's property and it would be advisable to install the sewer prior to homes being constructed. Also, a water line may need to be brought across and into the development from the south to the north if the water line along Mills was not extended in the development's time table. Mr. Wittstock provided that Water Works has already sold bonds to bring water to the area. Mr. Ludwig provided that a storm water fee district study for the area is underway with Veenstra and Kimm (V&K) and costs would be itemized by the end of January. Mr. Wittstock stated that he received the first copy of the study yesterday. The fee district may be from \$1,500 to \$4,100 per acre depending on the chosen option and what would be included. Mr. Wittstock went through the structures depicted by certain colors on V&K's exhibit. Staff committed to actively work with the Council to adopt this policy in some form. Mr. Smith will also provide his thoughts when additional information was submitted to the subcommittee.

Mr. Ludwig indicated that he believed that there was a hardship for the petitioner to dedicate so much right-of-way to the City for Mills Civic Parkway. Mr. Wittstock indicated that the Council required Michael's Landing to dedicate the entire necessary comprehensive plan right-of-way for Mills from the south side of the existing right-of-way since the north side of the road already had developed property. It was indicated that in this instance, there may be an opportunity for the City to purchase some right-of-way from the petitioner to extend the easterly line of the Fox Creek Trunk Sewer parallel to Mills Civic Pkwy on the south side, and then go north side to save the crossing of the driveway to Fox Creek and damaging developed property.

Council Member Ohmart stated he had some concern with the number of cul-de-sacs proposed for the area and access, especially connectivity to the north/south. Mr. Wittstock stated that a north/south connection would be made when the Neff property develops. There is a proposed connection to the east of this cul-de-sac that will eventually connect through the adjoining properties as they develop. Council Member Sandager expressed that he liked the having a cul-de-sac, especially if it were part of the natural terrain. It was noted that the cul-de-sac, as currently planned, would have a full access to Mills initially, but when Mills was re-constructed the access would be restricted to a right-in, right-out access so alternate full access should be provided.

There was continued discussion regarding full access, access connections, medians, frontage, right-of-way acquisitions, etc. Water lines and sanitary sewer are the key factors for property development, as well as parkland dedication and credits. Logical areas for parkland could be set aside as outlots for future use. Council Member Ohmart asked if land could be gifted to parks and was informed that this has happened in the past. The lots stop at the flood plain line and the creek land will be of little value. It would be in the best interest to keep the homes back from the creek due to erosion.

Council Member Sandager expressed that he was supportive of the project as there was a need for high-end property in West Des Moines. Mr. Ludwig indicated that the petitioner would prefer to pay for the future improvements to Mills versus execute petitions and waivers for a future special assessment project. Council Member Sandager continued that he was not in favor of future assessments, and that he favored a sure-thing such as cash rather than future assessments for construction costs and that this option should be further discussed by the Council.

Mr. Wittstock summarized by stating that the biggest issue was securing right-of-way from the property owners to the east, as well as the Neff property since right-of-way currently does not exist for roads through the development. Also, an extension was needed for the sanitary sewer line and a private easement for the water main. Nothing is insurmountable.

Directions: The Council Members was supportive of the project; Staff will bring back additional information on the sanitary sewer extension and storm water fee district with associated costs and develop a draft policy to receive payment in advance for deferred public improvements.

2. Application to IEDA for the CDBG Multi-Family Unit Production Rental Disaster Recovery Fund

Housing Planner Gordon introduced Sam Erickson, Chief Operations Officer, Community Housing Initiatives (CHI), a non-profit organization. Ms. Gordon expressed that special funds from the State have again become available and this will be the second application applying for affordable senior housing. It mirrors the first application and is consistent with City policy. The deadline to apply for the \$3 million dollars (\$6 million for the two) and \$60,000 for administration (\$120,000 for both applications) is March 1, 2013. With approval, it was thought that both buildings could be constructed at the same time. Deputy City Manager Smith requested that staff work with the Finance Department to determine grant regulations

for the \$60,000 in administrative fees.

Ms. Erickson commented that there was a definite need for senior options and that this will be an integrated project for seniors with various levels of income. The new buildings will have three stories, garages, as well as washers and dryers, for a total of 52 units (26 per building).

This item will be going forward to City Council for review and approval on February 4, 2013.

Directions: The Council Members were in support of the project and application.

3. Residential Anti-Displacement and Relocation Assistance Plan (RARA)

Housing Planner Gordon distributed a RARA policy to the committee. She stated that this policy was prepared in accordance with the Housing and Community Development Act and was a requirement by law to have in place when federal grant monies are used. In essence, if the City ever purchased property and citizens had to be relocated due to these activities, relocation assistance would be provided to low income tenants. This policy is not specific to the current buildings for senior housing that were discussed in item #2 as these are new buildings on vacant land. This policy would not be applicable with the use of City funds. This item will be going forward to City Council for review and approval on February 4, 2013.

4. Upcoming Projects

- **Sierra Point Apartments – RIGHT-OF-WAY by Easement vs. Deed**

Mr. Shires discussed the development application for the Sierra Pointe Apartments located on Woodland Avenue and 72nd Street. He stated that the applicant was interested in providing the five feet of right-of-way required by the City by easement, rather than by deed, and that this would be consistent with what was allowed for the recent Iowa Student Loan plat-of-survey approved for a parcel along Vista Drive. Historically, right-of-way has been obtained by deed and not easement. City Engineer Wittstock provided that fee title gives the City unrestricted use of the ground and ensures that rights can be granted for public and private utilities, i.e., fiber optics without securing consent of the underlying property owner. Easements by design are for specific uses, and uses that have not been anticipated or included in the easement may make it more difficult to allow that use in the future. An easement rather than a deed may also create a future title issue. The City has examples where right-of-way was granted by easement by the original property owner then the developable property was sold off, and the title to the right-of-way was not transferred to either the City or the adjoining property. Should the City need to expand the property rights spelled out in the easement or wish to vacate the property, additional “legwork” would be required to clear the title.

City Attorney Scieszinski also spoke on the subject. The reason for allowing an easement rather than a deed was because this development was located in an established neighborhood, and the likelihood was low that the adjoining street would be widened. In addition, it may be beneficial for the developer or owner to provide the right-of-way by easement because the easement area can still be sold as part of the development. Encumbered easements were discussed and why buyers would pay for land they could not use. Allowing the right-of-way to be given to the City by easement until the property was sold and then requiring the owner to convey the right-of-way by deed was also discussed. Council Member Sandager was in favor of allowing the right-of-way to be provided to the City by easement if there was no plan for the street to be widened, allowing the land to remain with the developer. Council Member Ohmart was concerned that all property owners had the same rights and that there was consistency in treatment. Currently, there has only been an unwritten policy; staff was asked to formalize and bring back a written policy to the next subcommittee meeting. The proposed policy

would consider whether the development was in an established area of the City, and whether the street may be widened in the future. The biggest concern to the City was that the same rights be received by easement or if received by deed conveyance.

Directions: The Council Members were in support of allowing the developer of the Sierra Pointe Apartments to provide the right-of-way by easement and requested staff to bring back a written policy on right-of-way dedication by deed and by easement for subcommittee review.

- **Sugar Creek Power Substation** – MidAmerican Energy has submitted an application for a site plan approval for a new electric power substation west of the West Grand substation north of Microsoft. Ms. Twedt provided that the landscaping would have to be updated, but there would be no need to hide the station further as it will be located behind the existing substation and will have limited visibility from S 88th Street or Grand Avenue.
- **Abelardo's Drive Thru** – Planner Twedt provided that Abelardo's Restaurant has moved into the retail space vacated by a yogurt shop which had a drive thru within the Avenue of the Arts area of the West Glen Town Center. Abelardo's will be requesting a Permitted Conditional Use Permit from the Board of Adjustment to allow the use of the existing drive thru for their business. Staff has expressed circulation concerns, but that Abelardo's has offered to limit the hours of operation for the drive thru should traffic circulation become an issue.
- **Hurd Property on 8th Street (formerly Quality Ford)** – Mr. Shires stated that Richard Hurd informed him that a tenant was interested in locating into this building. The interested tenant mixes and prepares drugs for hospitals and clinics and is considered an industrial use and is not allowed with the current Regional Commercial zoning designation for this property. There would have to be a PUD amendment or a zoning change to allow for this use.

Directions: The Council Members were supportive of a PUD amendment to allow this use rather than a zoning change that would apply City-wide.

5. Other Matters

- **Pheasant Ridge** – Mr. Shires discussed the letter that was sent to the City Council from Bruce Hansen, President of the Pheasant Ridge Homeowners Association, regarding the apartment project proposed by Watermark. Pheasant Ridge's concerns with the Watermark development were traffic, property values, and having four-story structures. Pheasant Ridge's suggestions for the Watermark development were also provided in the letter.
- **Chase Property in Waukee** – With the Fox Creek Sewer under design, City Engineer Wittstock stated that this may be the opportunity to divert flows for the Chase and Maple Grove area away from the Jordan Creek trunk line. This would also provide more flexibility for land uses east of 88th Street. There also is a possibility that portions of Waukee could utilize this sewer. An analysis would need to be conducted to determine if this was in the best interest of the City. The benefit would be to provide an opportunity for different land uses and possibly allow for 92nd Street and 98th Street to be completed sooner. Council Member Sandager expressed support.
- **Stagecoach Drive West of S. 88th Street** – Council Member Ohmart referred back to Item #1 stating that he had concern with the traffic circulation for the new elementary school in the area and having to transport students through residential neighborhoods. Council Member Ohmart stated that it was time to take the initiative, become more proactive, and determine a solution for paving Stagecoach Drive west of S. 88th Street.

Directions: The Council Members requested staff discuss the situation with CBL, Mr. Miller, and determine options for paving Stagecoach Drive.

Meeting Time – Council Member Sandager requested that the meetings be kept to one hour and preferably end no later than 8:30 am, but that if need be they could begin at 7:00 am.

The meeting adjourned at 9:23 a.m. The next Development and Planning City Council Subcommittee meeting is scheduled for Thursday, February 7, 2013.

Christopher Shires, Development Planning
and Inspection Manager

Kim Taylor, Recording Secretary